

condemnation of 31 boxes of Dr. Means' pills, remaining in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by Dr. W. B. Means, from Lebanon, Pa., on or about January 14, 1931, and had been transported from the State of Pennsylvania into the State of Delaware, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the pills contained acetanilid (116.1 grains per avoirdupois ounce), caffeine, camphor, and strychnine, and were sugar-coated.

It was alleged in the libel that the article was adulterated in that it fell below the professed standard of quality under which it was sold, namely, "200 grains Acetanilide in Avoirdupois ounce," whereas the product contained 116.1 grains of acetanilid per avoirdupois ounce.

Misbranding was alleged for the reason that the statement on the label, "200 grains Acetanilid in Avoirdupois ounce," was false and misleading. Misbranding was alleged for the further reason that the statements on the box label, "For La Grippe * * * Rheumatism, Neuralgia, Coughs, * * * Catarrh Pains in the back or limbs * * * Invaluable to Ladies in Painful periods," regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 20, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18370. Adulteration and misbranding of ether. U. S. v. Fifteen 1-Pound Cans of Ether. Default decree of condemnation and destruction. (F. & D. No. 25885. I. S. No. 26981. S. No. 4156.)

Examination of a sample of ether from the shipment herein described having shown that the article was represented to be a pharmacopoeial product, whereas it did not conform to the requirements of the pharmacopoeia since it contained peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Arkansas.

On February 11, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of fifteen 1-pound cans of ether at Little Rock, Ark., alleging that the article had been shipped by Merck & Co., from St. Louis, Mo., on or about January 9, 1931, and had been transported from the State of Missouri into the State of Arkansas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P."

It was alleged in the libel that the article was adulterated, since it contained peroxide.

Misbranding was alleged in substance for the reason that the label of the can containing the article bore the statement "Ether U. S. P.," whereas the said article differed from the United States Pharmacopoeial standard of strength, quality, and purity for ether.

On June 29, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18371. Misbranding of Pyradium. U. S. v. 30 Bottles of Pyradium. Default decree of condemnation and destruction. (F. & D. No. 26120. I. S. No. 1158. S. No. 4321.)

Examination of a drug product, known as Pyradium, from the shipment herein described having shown that it was represented to be germicidal, whereas it was not, also that the carton and bottle labels and the accompanying circular and coupon bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Montana.

On or about April 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 bottles of Pyradium at Great Falls, Mont., alleging that the article had been shipped by the Radium Remedies Co., from Minneapolis,

Minn., on or about August 14, 1928, and had been transported from the State of Minnesota into the State of Montana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of zinc and sodium chlorides and sulphates, boric acid, glycerin, alcohol, and water, flavored with peppermint oil and colored green. It contained 5.5 millimicrograms of radium per milliliter—a therapeutically negligible proportion. Bacteriological examination showed that the article, even when undiluted, would not destroy common disease-producing organisms within an hour.

It was alleged in substance in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article were false and fraudulent, since it contained but 5.5 millimicrograms of radium per cubic centimeter, which proportion was so small as to be negligible in so far as any therapeutic effect was concerned, and the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Pyorrhea Preparation * * * Germicidal * * * Healing;" (bottle) "Pyorrhea preparation. Kill the Germs. Heal the Gums. Save the teeth;" (circular) "Technique of Treatment for Pyorrhea and Other Oral Infections by the Administration of Pyradium * * * Pyradium Reaction The really remarkable results obtained from the use of Pyradium are, it is believed, attributable to two major causes: (a) The vitalizing action of the Alpha Ray or Particle of Radium on the basic cell processes, and (b) the catalyzing power of Radium upon the metallic atom of the molecule of the salts associated in the solution; the ionizing power of the different Radium Rays upon the atoms of the associated elements;" (coupon) "Guarantee * * * This bottle of Pyradium is guaranteed to relieve pyorrhea, if used according to directions."

Certain statements in the labeling which this department deemed to be false and fraudulent were not quoted in the libel. The following statements, however, which were charged in the libel to be false and fraudulent, and certain other statements which were omitted from the libel, formed the basis for the recommendation by this department that the charges be brought against the product that it was adulterated in that its strength fell below the professed standard under which it was sold, and was further misbranded in that the following statements were false and misleading: (Carton) "Radium Preparation. * * * Pyradium * * * Germicidal;" (bottle) "Radium Preparation. Pyradium. Kill the germs;" (circular) "Pyradium—Radium element associated in Solution with a carefully developed Formula of Proven Oral Germicides, Antiseptics * * * Pyradium Formula Pyradium is: Radium Chloride associated in solution with * * * Germicidal Oils. It is believed when Pyradium is held in the mouth, the tissues rapidly absorb the Alpha particles stored therein while the rays expelled during the retention in great numbers and velocity come in contact with the tissue. * * * It is believed that the Radium Rays cause an ionization of the metallic atom of the molecule of the metallic salts associated in the solution making more positive their activities, increasing the germicidal powers so that they rapidly and effectively pursue the work of destruction of the invading bacteria and germs in the * * * oral tissues. * * * The use of Radium in solution * * * Radium promotes the growth and multiplication of healthy cells * * * Radium promptly and invariably increases the number of red blood cells. * * * The Radium rays serve to stimulate chemical processes into greater activity thereby fostering the natural processes of life."

On May 22, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18372. Misbranding of Lavodent. U. S. v. 1 Dozen 16-Ounce Bottles, et al., of Lavodent. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25898. I. S. Nos. 27814, 27815, 27816. S. No. 4070.)

Examination of a drug product, known as Lavodent, from the shipments herein described having shown that it was represented to be an antiseptic and germicide, whereas it was not, also that the bottle labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Delaware.